

Urgent – FDG-PET Findings, CMS Denial, and Misrepresentation by Dr. Jicha

Date: 2025-10-01

To: President Eli Capilouto (pres@uky.edu); William Thro (william.thro@uky.edu), Ellen Kilgore (ellen.kilgore@uky.edu); Theresa Spagnuolo (amy.spagnuolo@uky.edu)

CC: CMS Region IV Director; HHS OCR; ADA Coordinator, UK Healthcare

From: John R. Fouts

Dear President Capilouto, Ms. Kilgore, and Ms. Spagnuolo,

I am writing to place the University of Kentucky, CMS, and affiliated providers on formal legal notice regarding serious misconduct in connection with my neurological care.

1. **FDG-PET Findings**

On April 2025, an FDG-PET scan of my brain demonstrated **cerebral hypometabolism**, consistent with ongoing neurodegenerative and metabolic injury. **This finding is not psychiatric, and is well-documented in current medical literature as requiring neurological follow-up.**

2. **Dr. Jicha's Appointment**

Despite submitting detailed questions in advance, Dr. Jicha failed to address a single one during my recent appointment. Instead, he

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*attempted to **pathologize the hypometabolism as psychiatric** (bipolar/depression), without basis in evidence and in direct contradiction to the scan itself. This is not clinical judgment; it is fraud and misrepresentation.*

3. CMS Retroactive Denial

In late September 2025, immediately after this appointment, CMS/Medicare issued a denial of the April 2025 FDG-PET scan. ***This denial—five months after the test was performed—strongly suggests retroactive alteration or falsification of medical necessity documentation. This sequence is not coincidental: it occurred only after I challenged Dr. Jicha’s attempt to dismiss the scan as psychiatric. I demand answers.***

4. Pattern of Obstruction

This denial aligns with a broader pattern: UK Healthcare has refused to release records for both myself and my child (JAF) – ongoing – to this day, despite ADA, Section 504, Olmstead, and 1915(c) obligations. Additionally, when I copy oversight authorities or UK leadership, or others, those copied recipients are routinely stripped from the response chain—an act that obstructs transparency and accountability.

5. Supporting Evidence

Enclosed/attached are the following:

- April 2025 FDG-PET report (Exhibit A)
- CMS denial letter dated September 2025 (Exhibit B)

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- Pre-appointment questions to Dr. Jicha that remain unanswered (Exhibit C)
- Bone marrow biopsy (2017) showing absent stainable iron and dysmegakaryopoiesis (Exhibit D)
- Physician letters (Dr. Vaughn, Dr. Shaikun, Dr. Brown) establishing medical fragility and the need for ADA accommodations (Exhibits E–G)
- Brain MRI done at UK in 2024 later in year – showing diffuse involutionary changes
- NeuroQuant MRI from 2022 showing total brain percentile at 9th percent, and frontal parenchyma normative percentile at the 2nd normative percentile.
- Letter from Dr. Ritchie Shoemaker regarding profound brain atrophy

6. Legal Implications

This matter involves:

- ADA, Section 504, ACA §1557, and Olmstead violations (failure and refusal to provide accommodations, retaliation for asserting rights).
- Fraud and falsification of federal medical records (retroactive CMS denial).
- Spoliation of evidence through obstruction of record releases and removal of copied oversight recipients.

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- False/fraudulent and coercive use of behavioral contracts as retaliation for asserting rights.

Demands for Immediate Action

1. Immediate independent review of the April 2025 FDG-PET findings by a qualified neurologist *outside of Dr. Jicha's oversight*.
2. Written explanation from UK and CMS regarding the **late September denial of the April 2025 scan**, including identification of who altered or submitted medical necessity documentation.
3. Immediate correction of the false, fraudulent, defamatory and mischaracterization of information Dr. Jicha attempted to use during my appointment with him.
4. A formal complaint being accepted by the University – despite numerous efforts, attempts to file any complaints are obstructed.
5. Assurance that all future communications to me will preserve copied recipients and oversight authorities.
6. Immediate compliance with ADA accommodations, VAWA, 1915c, Section 504, RFRA, and all rights - including release of all records pertaining to myself and my child (JAF).
7. Immediate 2nd Opinion on FDG PET from higher order institute of medicine not affiliated with UK.
8. Immediate involvement of law enforcement for federal investigation.

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9. Preservation of all internal communications, billing submissions, and correspondence relating to my FDG-PET and related disputes.

Referral for Law Enforcement Review

Because these actions implicate criminal statutes—including fraud in federally funded health programs, falsification of medical necessity documentation, and deprivation of rights under color of law—I am also formally requesting referral of this matter immediately to federal law enforcement (HHS-OIG, DOJ, and FBI) for immediate review.

This is not an isolated error. It is part of a systemic pattern of denial, retaliation, and misrepresentation that has endangered my health and obstructed my rights. The evidentiary record—spanning physician letters, MyChart messages, and CMS correspondence—confirms this beyond dispute.

All prior filings and exhibits are hereby incorporated by reference into this submission, including complaints to OCR, ORR, CMS, HUD, DOJ, and the federal judiciary, as well as prior communications with your offices.

I expect written acknowledgment of this letter immediately upon receipt and confirmation of independent review, and referral to law enforcement without further delay.

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Sincerely,

/s/ John R. Fouts

John R. Fouts, MBA

Son of a Vietnam-War-Era Veteran

Founder, Upward Spirals Association (508(c)(1)(A) Spiritual Faith-Based Organization – Protected under RFRA)

Federal SSA SSDI Recipient – Protected under ADA, VAWA, Section 504, and 1915(c)

Mainstream Voucher Holder – HUD/IHCDA/CASI Program

Email: icreateupwardspirals@gmail.com

Alternate: torchoftruth@zohomail.com

Phone (Text Only – ADA Accommodation): 502.956.0052

Voice calls & voicemails will be ignored

Fax (HIPAA Compliant): 604.641.2805

Evidence archive (prior to block on saving):

<https://archive.org/details/@jfouts1979>